

Attachment to Independent Case Review Report
for CDRU # 468 Case File # 95-277821.

Material Examiner Malone (RO)

Remarks:

After research it has been determined that the Laboratory submission 871204039 is incomplete, (no final report) for Examiner Malone (RO), which may be due to a guilty plea as stated in Serial #8 (incoming letter dated April 21, 1988) in the file, at the time of review by the Independent Scientist.

INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Cathryn L. Levine

Area(s) of Expertise: Hair + Fiber

Review commenced at: 9:00 AM (Time), 5.120.99 (Date)

File #: 95-277821

Laboratory #(s): 71204039 S XE RQ

70417002 QS XE VJ RQ

Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
<u>XE</u>	<input type="checkbox"/>	<input type="checkbox"/>	<u>UQ</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>RQ</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
<u>VJ</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Materials Reviewed

Trial testimony transcript(s) of: none given - case plead

Testimony Date(s): _____ Pages: _____

Laboratory Report(s):

Laboratory Number: 70417002 QS XE VJ RQ Date: Sept 4, 1987

UQ

Laboratory Number: _____ Date: _____

Laboratory Number: _____ Date: _____

Examiner Bench Notes of: Technician + Agent Malone

Laboratory Number: 70417002 D/S QS XE VJ RQ UQ

Laboratory Number: 70520031 D/S QS XE RQ

Laboratory Number: _____

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Initials: cll

Was any other material reviewed? ☒ Yes ☐ No

If yes, please identify and/or describe the material:

Letter dated 4/15/87 from [redacted]
[redacted] re: evidence, facts assoc. w/ case. Affidavit from DA.
[redacted] dated 12/2/97, Criminal Actions in Commonwealth vs.
Taff

b6
b7c

Results of Review

File #: 95-277821

Item or Specimen # Reviewed: Q2, Q3, Q4, Q5, Q6,

Q7, Q8, Q10, Q11, Q12A-G, Q13, Q13A, Q14, Q25-Q49, Q51, Q52, Q54
Q55-Q59, Q63-Q66, K13, K14-K17, Q69

Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?
☐ Yes ☐ No ☒ Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?
☐ Yes ☒ No ☐ Unable to Determine

Review of Testimony

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

☒ Transcript not available.

- 3) Testimony consistent with the laboratory report(s)? ☐ Yes ☐ No ☐ Unable to Determine
- 4) Testimony consistent with the bench notes? ☐ Yes ☐ No ☐ Unable to Determine
- 5) Testimony within bounds of examiner's expertise? ☐ Yes ☐ No ☐ Unable to Determine

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Initials cll

Comments

(Set forth by above question #, if applicable.
Use "Additional Comments" Sheet, if needed)

(1) - Were appropriate scientific tests conducted?

→ Reviewer is unable to determine if an adequate and scientifically acceptable hair comparison was conducted based on the documentation in this case file.

→ Abbreviations are used to describe characteristics in hair - many^{cl} some of these abbreviations and their meanings would only be known to Agent Malone (or perhaps his colleagues at the FBI). A minimal number of characteristics is listed for K16, pubic hairs of victim. The characteristics listed are not very different from the characteristics listed for K17, pubic hairs of suspect. Although the examiner (Malone)

Review completed at: 10:45 AM (Time); 5/20/99 (Date)

Total time spent conducting review (to nearest 1/4 hour): 1.75 hrs.

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 4 1/2 pages.

4 pgs - peer review form + 2 pages handwritten CL notes

Cathryn L. Levine 5/20/99

(Signature)

(Date)

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Initials cl

Additional Comments
(Set forth by question #, if applicable)

File #: 95-277821

lists many more char. fr the suspect's hair, it is not clear to this ^{reviewer} ~~examiner~~ ^{cll} how these pubic hairs from 2 diff. sources differ.

(2) Are the examination ^{cll} results supported and adequately documented in the bench notes.

As stated above, the notes do not reflect or document the differences noted in the pubic hairs from the suspect (K17) and the victim (K16).

The notes associated with the Q126 hair indicate (from my interpretation of the notes + abbreviations) that perhaps this was a partial hair. It is at this reviewer interprets the abbreviations in 1 case to read 'basal end broken' (broken). If this hair was truly broken this should have been mentioned in the report - this could alter the 'weight' or interpretation / significance of the hair association.

The phrase 'independent microscopic characteristics' is confusing and could also be misleading. This may be just an adopted phrase - repeatedly used but not understood. The notes do not support the use of the term independent.